

REMARKS

Upon entry of the instant amendment, claims 1-18 are pending. Claims 1, 7, 13, and 15 have been amended to more particularly point out Applicants' invention.

Claims 1, 7, and 13 were objected to because the limitations "said one or more telephony devices having forward on busy capability" and "responsive to a request from said one or more telephony devices and said forward on busy capability" were alleged to not be "described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) at the time the application was filed, had possession of the claimed invention." Claims 1, 7, and 13 have been amended to recite "network entities being configured to request a forward on busy function." Claim 15 has been amended to recite "wherein said one or more first callable entities are configured to request a forward of said calls." Applicants respectfully submit that the claimed limitations are sufficiently supported in the specification.

The Examiner's attention is directed to Page 7 of the Specification, which states:

The queues 111 may be embodied as predefined memory segments and are established and associated by the control unit 204 with the appropriate H.323 terminals 102 (FIG. 1A) upon system initialization or configuration. A queue server 110, according to the present invention, includes one or more callable queues 111 and may be configured to be used for any of the traditional PBX applications which require queuing. These include, for example, but are not limited to, hunt groups, attendant consoles, outgoing trunks, interactive voice responsive (IVR) and voice mail. All that is required of an H.323 terminal that uses queuing is for it to have a "forward on busy" function activated to the queue server, and, more particularly, to the assigned queue.

Since the specification explicitly describes a telephony device such as an H.323 terminal having a "forward on busy" function, applicants respectfully submit the objection is obviated.

Claims 1, 4, 7-9, 13, and 15-17 have been rejected under 35 U.S.C. §102(e) as being anticipated by Miloslavsky et al., U.S. Patent No. 6,175,564 B1 ("Miloslavsky"). In order for there to be anticipation, each and every element of the

claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Miloslavsky. As discussed in response to previous Official Actions, an aspect of the present invention is to provide one or more queues which function as callable entities and which may be specified as callable aliases by endpoints in an IP telephony system. Thus, if the endpoint is busy, the call can be forwarded to its alias queue by the endpoint until such time as the endpoint is not busy. For example, the endpoint that uses queueing merely need employ a "forward on busy" telephone function to have the call forwarded to the assigned queue.

Thus, claim 1 has been amended to recite "a queue server implementing one or more queues, coupled to said packet switched network, said one or more queues configured to receive forwarded calls from said one or more telephony devices responsive to a request from said one or more telephony devices and said forward on busy request and to forward said calls back to said one or more telephony devices when one or more predetermined conditions have been met, as determined by said queue server;" claim 7 has been amended to recite "transferring said second call to a queue responsive to a request by said telephony device and implementing said forward on busy function;" claim 13 recites "wherein said one or more second callable network entities are defined as queues for temporary holding of calls for said one or more first callable network entities while said one or more first callable network entities are processing other calls responsive to a request from said one or more first callable network entities;" and claim 15 recites "wherein said one or more first callable entities are configured to request a forward of said calls to said one or more second callable entities while said one or more first callable entities are busy."

In contrast, as discussed in response to previous Official Actions, Miloslavsky appears to relate merely to a server having a queue buffer. Rather than an *endpoint* requesting a queue transfer, as generally recited in the claims at issue, the *server* appears to intercept calls and route them to a queue as it deems necessary. Thus, the server itself affirmatively acts to perform the queueing, *instead of queueing in response to a forward on busy request from the endpoint, as generally recited in the claims at*

issue. Thus, Miloslavsky appears representative of the problem solved by the present invention, which allows for simple and effective handling of busy calls. The Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claim 10 was rejected under 35 U.S.C. 103 as being unpatentable over Miloslavsky. Claim 10 depends from claim 7, which has been discussed above. Since Miloslavsky does not teach, suggest, or imply the invention of the independent claim, Applicants respectfully submit that it likewise does not teach, suggest, or imply the invention of the dependent claim. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 2-3, 5-6, 11-12, and 14-15 and 18 have been rejected under 35 U.S.C. 103 as being unpatentable over Miloslavsky in view of Naudus, U.S. Patent No. 6,25,691 ("Naudus"). Miloslavsky has been discussed above. Naudus is relied on for merely teaching an H.323 gatekeeper. However, like Miloslavsky, Naudus does not appear to teach, suggest, or imply the invention of the independent claim(s). As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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